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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,230	09/26/2002	Paulette Abraham	HOME0582PUS	9431

22045 7590 02/10/2005

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EXAMINER

BAHTA, ABRAHAM

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/065,230

Applicant(s)

ABRAHAM, PAULETTE

Examiner

Abraham Bahta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/27/02.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1-9, what is meant by "an object housing"?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Toirtorice (USP 6,000,410).

Toirtorice teaches a toothbrush comprising a handle and a brush head and a housing attached to the toothbrush wherein small elements or characters or other decorative items may be placed in the housing providing visual access. See col. 3, line 45 through col. 4, line 53.

Claim 2: The housing is detachable and attachable to the brush component of the toothbrush. See col. 4, lines 39-49.

Claim 3: The housing is attachable to the brush head. See fig. 3.

Claim 4: The housing may be attached to the elongated portion of the brush head. See fig. 3.

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Claim 7: The housing may be attached to one end of the brush component. See Fig. 3.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tortorice '410.

Tortorice teaches applicants claimed invention except integrally forming the housing with the brush component; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have to have made the components integrally, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

***Claim Rejections - 35 USC § 102***

Claims 10, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gross (USP 6,687,940) or Tortorice '410.

Gross teaches a toothbrush comprising a brush head and a translucent handle made of two portions connected to one another and together, enclose a visual access such as a cavity. See col. 1, lines 22-27 and col. 3, lines 35-53.

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Tortorice '410 teaches a toothbrush comprising a handle and a brush head and a housing attached to the toothbrush wherein small elements or characters or other decorative items may be placed in the housing providing visual access. See col. 3, line 45 through col. 4, line 53.

***Claim Rejections - 35 USC § 103***

Claims 11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (USP 6687940) or Tortorice '410.

Gross and Tortorice are discussed above. The references do not require the transparent or translucent window to be convex; however, it would have been obvious one of ordinary skill in the art at the time the invention to form the window of Gross '940 Tortorice '410 in the form of convex as a matter of obvious design choice.

***Claim Rejections - 35 USC § 103***

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tortorice (USP 6000410) in view of Gross USP 6,687,940).

Tortorice is discussed above. Tortorice does require a translucent display window; however, Gross '940 teaches Gross teaches a toothbrush comprising a brush head and a translucent handle made of two portions connected to one another and together, enclose a visual access such as a cavity. See col. 1, lines 22-27 and col. 3, lines 35-53.

It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have made the cylindrical housing of Tortorice from a translucent

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material as taught by Gross '940 so that decorative articles placed in the housing may be visually accessible.

Claim 17: The cylindrical housing is attachable and detached to the intermediate extent of the brush component.

Claim 18: As shown in figure 3, the cylindrical housing may be used as the brush handle.

***Claim Rejections - 35 USC § 103***

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tortorice (USP 6,000,410) in view of Gross (USP 6,687,940) and further in view of Hsu (USP 6,375,376).


Tortorice and Gross are discussed above. The references do not require an opening for receiving an objected to be displayed; however, Hsu '376 teaches the concept of providing a hole in a photo frame pen in which the hole may be used to insert pictures wherein the picture may be viewed through a transparent window. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing of Tortorice or Gross by providing an opening or a hole so that the desired decorative time may be inserted into the housing.

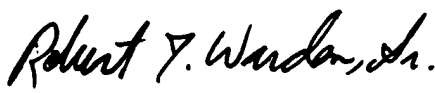
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham Bahta whose telephone number is (571) 272-1352. The examiner can normally be reached on Monday - Friday; 11:30 am - 8:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
A. Bahta  
02/03/05

  
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